

## REMARKS

### **Status of Claims**

The Office Action mailed December 31, 2008 has been reviewed and the comments therein were carefully considered. Claims 1-3, 5, 8-10, 12-14, 16, 19-21, 23-25, 27, 29-31 and 33 are pending in the application, with Claims 1-3, 5, 8-10, 12-14, 16, 19-21, 23-25, 27, 29-31 and 33 currently rejected. Claims 1, 12, 23 and 33 are amended. New Claims 35-40 are added.

### **Claim Rejection Under 35 U.S.C. 103**

Claims 1-3, 5, 8-10, 12-14, 16, 19-21, 23-25, 27, 29-31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe et al (U.S. Patent 5,623,613) in view of Boylan, III et al (U.S. Publication No. 2002/0166120 A1). Applicant traverses this rejection.

The Office Action on pages 2-3 presents an explanation on how Rowe discloses virtual worlds. Applicant respectfully maintains the position that Rowe does not disclose anything regarding virtual worlds.

On page 2 and page 3 the Office Action states:

Rowe et al. discloses storing programming information within one or more databases and retrieving the information to support the display of the selected programming information by the display system. A program summary panel 90 communicates detailed information about a selected program tile appearing within the viewing panel (col. 14, l. 8-20 & Figs. 2-8). The information in the program summary panel 90 is updated as the subscriber changes the selected tile appearing within the viewing panel (col. 14, l. 21-32). The program summary panel 90 includes a preview section 92 and a text description section 94. The preview section can show actual broadcast video data or preview media information, including an "on-demand" attract clip or a still graphic image (col. 14, l. 33-45). For example, in Figures 2-8, the preview section shows a graphic image of a basketball and the logo "NCAA" centered on the basketball. The graphic image is consistent with the text presented within the text description section, specifically "NCAA Basketball - Illinois vs. Indiana. Henson's Fighting Illini meet up with Bobby Knight's Hoosier Team in this Big Ten Conference Matchup" (col. 16, l. 15-22 & Figs. 6-8).

Applicant agrees with this description. Rowe in Figs. 2-8 shows a graphic image of a basketball and an NCAA logo. It also shows text describing the programming event, an NCAA basketball match up.

The Office Action continues on:

Rowe et al. discloses updating the information in the program summary panel in response to a subscriber changing the selected program appearing within the viewing panel, so that the information in the program schedule displays information consistent with the selected program. As such, the examiner interprets the display in Figures 2-8 to be a NCAA basketball world, and the displays corresponding to other program selections to be other "worlds" corresponding to those selections.

Applicant disagrees. Showing a logo is not a presentation of a virtual world. For Rowe to teach or suggest the features of a virtual world related to the content, then Rowe in Fig 2 etc. would need to show a virtual world of a basketball court, or a basketball arena. Rowe does not do this. Instead all Rowe does is show a logo with some text next to it. This is not a virtual world.

Applicant has amended Claims 1, 12 and 23 to clarify that the 3-D EPG includes a presentation of a virtual world. Subject matter for this feature is disclosed in the specification *inter alia*, in paragraphs 9-10, and 34-35. Rowe does not disclose anything similar to this.

Accordingly, Applicant maintains the assertion that neither Rowe nor Boylan, either separately or combined, disclose each and every feature of the present invention as claimed in Claims 1, 12 and 23 and that these claims and all claims that depend upon them, are allowable.

Applicant has added new Claims 35-40, which include subject matter disclosed but not claimed. Support for these claims may be found, *inter alia*, in paragraphs 34 and 35. Applicant asserts these new claims are allowable.

**Conclusion**

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

Respectfully submitted,

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By: /David Lowry/  
David D. Lowry  
Registration No. 38,538  
BANNER & WITCOFF, LTD.  
28 State Street, 28<sup>th</sup> Floor  
Boston, MA 02109-1775  
Telephone: 617-720-9600  
Fax: 617-720-9601